

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION**

**OHIO VALLEY ENVIRONMENTAL
COALITION, WEST VIRGINIA
HIGHLANDS CONSERVANCY,
APPALACHIAN VOICES, and
THE SIERRA CLUB,**

Plaintiffs,

v.

Civil Action No. 1:19-cv-00576

BLUESTONE COAL CORPORATION,

Defendant.

JOINT MOTION TO ENTER PROPOSED CONSENT DECREE

The Parties hereby respectfully request that the Court approve and enter the Proposed Consent Decree lodged in this action on December 3, 2020. In support of this motion, the Parties assert the following:

1. On October 14, 2020, the Parties notified the Court that they had reached an agreement in principle, and jointly moved to stay proceedings. Doc. No. 108. The Court granted the motion on the same day. Doc. No. 109.
2. On December 3, 2020, the Parties lodged a Proposed Consent Decree with the Court and informed it of the right of review by the United States. Doc. No. 113.
3. On January 27, 2020, the Parties received a letter from the United States Department of Justice notifying them and the Clerk of this Court that “the United States has no objection to the proposed consent judgment.” A copy of that letter is attached as Exhibit A to this motion.

4. As a result of the transmission and receipt of the “no objection letter” by the United States, the Court may now enter the Proposed Consent Decree if it finds that it is “fair, adequate, and reasonable” and “not illegal, a product of collusion, or against the public interest.” *United States v. North Carolina*, 180 F.3d 574, 581 (4th Cir. 1999).

5. The Parties submit that the Decree is the result of a fair and well-informed settlement process, is designed to achieve compliance with the Clean Water Act and will serve the public interest by providing environmental benefits.

6. The Parties respectfully request that the Court sign and enter the Proposed Consent Decree as a final judgment in this action.

Respectfully submitted,

/s/ J. Michael Becher

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CERTIFICATE OF SERVICE

I, J. Michael Becher, hereby certify that, on January 28, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to each of the following CM/ECF participants:

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